

Dated: May 30, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new § 180.1129 to subpart D, to read as follows:

§ 180.1129 *Pseudomonas fluorescens* strain NCIB 12089; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the biological pesticide *Pseudomonas fluorescens* strain NCIB 12089 in or on mushrooms.

[FR Doc. 94-14423 Filed 6-14-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-4894-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Yakima Plating from the National Priorities List Update: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Yakima Plating Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology (Ecology) have determined that the site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this site may be submitted on or before July 15, 1994.

ADDRESSES: Comments may be mailed to:

Sean Sheldrake, Environmental Protection Agency, 1200 Sixth Avenue,

Mail Stop: HW-113, Seattle, Washington 98101.

Comprehensive information on this site is available through the Region 10 public docket which is available for viewing at the Yakima Site information repositories at the following locations:

Yakima Valley Regional Library, Attn. Cynthia Garrick, 102 N. Third Street, Yakima, WA 98901.

United States Environmental Protection Agency, Region 10 Hazardous Waste Division-Records Center, Attn: Lynn Williams, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT:

Sean Sheldrake, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop: HW-113, Seattle, Washington 98101, (206) 553-1220.

SUPPLEMENTARY INFORMATION:

I. Introduction

II. NPL Deletion Criteria

III. Deletion Procedures

IV. Basis of Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region 10 announces its intent to delete a site from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

EPA plans to delete the Yakima Plating Site at 1804 ½ South Third Avenue, Yakima, Washington 98902, from the NPL.

EPA will accept comments on the plan to delete this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Yakima Plating Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this site, where plating related hazardous substances are not above health based levels and future access does not require restriction, operation and maintenance activities and five-year reviews will not be conducted. However, if new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site: (1) EPA Region 10 issued preliminary and final close out reports which documented the achievement of cleanup goals; (2) Ecology concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate Federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's notice of intent to delete; and (4) All relevant documents have been made available for public review in the local site information repositories.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. As mentioned in Section II of this notice, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate public comments on EPA's notice of

intent to delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary if any significant public comments are addressed.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this site from the NPL.

A. Site Background

Yakima Plating was an electroplating facility located within the southern city limits of Yakima, at 1804 1/2 South Third Avenue in Yakima County, Washington. The area surrounding the site is primarily mixed residential and light commercial property.

B. History

The facility conducted plating operations of automobile bumpers from the early 1960's until 1990. During its operation, the facility discharged a number of plating wastes to an on-site sedimentation tank and drain field. These wastes contained a variety of metals including nickel, cadmium, and chromium.

In 1986, an EPA site investigation found evidence of heavy metals in the groundwater at Yakima Plating. On March 31, 1989, the site was placed on the NPL.

EPA completed the RI/FS and Human Health Risk Assessment in August, 1991. A Record of Decision (ROD) for the site was signed on September 30, 1991. The major components of the selected remedy included:

- Liquids and sludges that were in tanks and containers would be removed, treated, and disposed of off-site at a permitted RCRA hazardous waste facility.
- Underground tanks (sedimentation and septic tanks) would be excavated and decontaminated.
- Contaminated soils above cleanup levels would be excavated, treated, and disposed of.
- Institutional controls would be implemented.
- A groundwater monitoring program would be implemented until contaminant levels in all wells allowed for unlimited use and unrestricted exposure.

C. Characterization of Risk

Prior to remediation, the preliminary environmental pathways of concern related to the plating wastes were

groundwater, on-site soils and possibly surface water.

To facilitate site remediation, a removal was formally initiated on June 15, 1992, and consisted of the following activities:

- Excavating 2,567 cubic yards of contaminated soil, gravels, and the drain field pipe to the cleanup levels specified in the ROD, followed by off-site disposal to a hazardous waste landfill.
- Excavation and removal to a hazardous waste landfill of three sedimentation tanks.
- Removal of three on-site buildings.
- Neutralization, and containerization of approximately 34 drums of miscellaneous plating-derived waste for off-site disposal.

Analytical data based on five quarters of groundwater monitoring following the completion of the removal indicate concentrations of plating related contamination do not exceed health-based criteria or ROD cleanup levels. Removal of soils, the source of contamination, has assured surface water quality as well.

In addition, no environmental risk has been identified for this site. For example, no critical habitats or endangered species or habitats of endangered species have been identified.

Confirmational monitoring of soil and groundwater demonstrate that no significant risk to public health or the environment is posed by residual materials remaining at the site, and operation and maintenance activities are not required. Based on the removal of contaminated equipment and excavation of contaminated soil, EPA and Ecology believe that hazardous substances have been removed from the site so as to allow for unlimited use and unrestricted exposure within the site, that the site is protective of public health and the environment, and that no further remedial action or institutional controls are needed at the site. Accordingly, EPA will not conduct "five-year reviews" at this site.

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "all appropriate Fund-financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate." EPA, with concurrence of Ecology, believes that this criterion for deletion has been met. The groundwater and soil data confirm that the ROD goals have been met. It is concluded that there is no significant threat to public health or the environment and, therefore, no further remedial action is necessary. Subsequently, EPA is proposing deletion of this site from the NPL.

Documents supporting this action are available from the docket.

Dated: April 26, 1994

Jane S. Moore,

Acting Regional Administrator, Region 10.

[FR Doc. 94-14417 Filed 6-14-94; 8:45 am]

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40 CFR Part 455

[FRL-4998-7]

RIN 2040-AC21

Pesticide Chemicals Category, Formulating, Packaging and Repackaging Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the Pesticide Formulating, Packaging and Repackaging proposed effluent limitations guidelines and standards by 30 days. EPA has received numerous comments requesting an extension of the comment period.

DATES: Comments on the proposed rule must be received in writing by July 13, 1994.

ADDRESSES: Send comments in writing to Ms. Janet Goodwin, Engineering & Analysis Division (4303), U.S. EPA, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For additional technical information write Ms. Shari Zuskin at the above address or call at (202) 260-7130. For additional information on the economic impact analyses contact Dr. Lynne Tudor at the above address or by calling (202) 260-5834.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking on April 14, 1994 (59 FR 17850), EPA proposed effluent limitations guidelines and standards for the control of wastewater pollutants from the Pesticide Formulating, Packaging and Repackaging (PFPR) industry and provided a 60 day comment period. Today's notice extends the comment period by 30 days to July 13, 1994. EPA has received numerous comments requesting an extension of the comment period. EPA recognizes that trade associations and individual PFPR facilities may need additional time to gather substantive data on the expanded scope of pesticide active ingredients